

46 Am. Jur. 2d Judges § 95

American Jurisprudence, Second Edition | February 2022 Update

Judges

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IX. Disqualification to Act in Particular Case

B. Grounds for Disqualification

2. Interests as Grounds for Disqualification

b. Particular Interests as Grounds for Disqualification

(1) Pecuniary or Property Interest

§ 95. Interest in position or term as disqualifying judge

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  42

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[Interest of judge in an official or representative capacity, or relationship of judge to one who is a party in an official or representative capacity, as disqualification, 10 A.L.R.2d 1307](#)

A judge is obviously interested in a case and disqualified to hear it where the right to his or her position is actually in question or the length of his or her term is involved.¹ However, once the question involving the judge's seat has been decided by the highest court, his or her interest therein becomes so remote that the judge may be considered competent to pass upon it when it is raised again.² In addition, judges having an interest in the length of their terms of office may still adjudicate a matter that directly affects them, if required to do so by the rule of necessity.³

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Footnotes

- 1 Wheeler v. Board of Trustees of Fargo Consol. School Dist., 200 Ga. 323, 37 S.E.2d 322 (1946).
2 McKnight v. City of Decatur, 200 Ga. 611, 37 S.E.2d 915 (1946).
 As to the requirement that a disqualifying interest be direct, certain, and present, see § 90.
3 Maresca v. Cuomo, 64 N.Y.2d 242, 485 N.Y.S.2d 724, 475 N.E.2d 95 (1984).
 As to the rule of necessity and its effect on the disqualification of an interested judge, see § 84.

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